

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAYMOND DAVIS, ESQUIRE
23 Maple Street
Montrose, PA 18801

Plaintiff

vs.

THE COUNTY OF SUSQUEHANNA,
PENNSYLVANIA
11 Maple Street
Montrose, PA 18801

AND

MARYANN WARREN
11 Maple Street
Montrose, PA 18801

AND

LEON ALLEN
11 Maple Street
Montrose, PA 18801

AND

MICHAEL GIANGRIECO, ESQUIRE
11 Maple Street
Montrose, PA 18801

AND

MICHAEL GATHANY, ESQUIRE
38 Main Street
Hallstead, PA 18822

Defendants

EXHIBIT "D"

**CERTIFICATE OF MERIT AS TO DEFENDANT
MICHAEL GATHANY, ESQUIRE**

I, Kevin J. Dempsey, Esquire certify that:


 X an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in brining about the harm;

AND/OR

 the claim that this defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in brining about the harm;

____ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

DATE: 7/6/09



MICHAEL H. ROTH, ESQUIRE
Roth & Dempsey, P.C.
Attorneys for Plaintiff